IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2007

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

WRIT PETITION No.24132 of 2002

M.Kuppusamy ... Petitioner

Vs.

1.The Special Officer,
Tamil Nadu Co-operative Union,
N.V.N.Maligai,
170, Periyar EVR High Road,
Kilpauk, Chennai - 10.

2.The Additional Registrar of
Co-operative Societies (Marketing,
Planning and Development),
N.V.N.Maligai, Periyar EVR High Road,
Kilpauk, Chennai - 10.

3.The Registrar of Co-operative
Societies, N.V.N.Maligai, Periyar EVR High Road,
Kilpauk, Chennai - 10.

4. Thiru.V.Kandasamy,
Director-Publicity and Public Relations,
Tamil Nadu Cooperative Union,
N.V.N.Maligai, 170, Periyar EVR High Road,
Kilpauk, Chennai - 10. ... Respondents

The Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus as stated therein.

For petitioner : Mr.K.M.Ramesh
For respondents : Mr.P.Anbarasan - For R1
Mrs.D.Geetha - AGP for
R2 & R3
Mr.K.V.Ananthakrishnan - for R4

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O R D E R

The Writ Petition has been filed praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order of the first respondent in Rc.No.3281/92-A.1, dated 31.03.1997, culminating in the order of the Revisional Authority, namely, the second respondent in Na.Ka.No.195509/T.K.Ku.Pa.1, dated 22.04.2002, and quash the same and direct the respondents to promote the petitioner with due regard to his seniority and pay him all backwages and other attendant benefits.

2.Heard the learned counsel for the petitioner as well as for the respondents.

3.The brief facts of the case, leading to the filing of the writ petition, are as follows:-

The petitioner had passed a Bachelor of Arts Degree and had completed higher diploma in Co-operation. He was appointed as a Junior Assistant in the Tamil Nadu Co-operative Union on 01.04.1972. Later, he was promoted to the post of superintendent, on 20.04.1983. On 29.03.1999, he was promoted as an Assistant Director (Technical Education) and he has been discharging his duties as such.

4.It is stated by the petitioner that in exercise of the powers delegated under bye - law No.3 of the Special bye-laws of the Tamil Nadu Co-operative Union, the Special Officer of the said union, the first respondent herein, had promoted the fourth respondent, as the Public Relations Officer, in his proceedings No.R.C.No.3281/92-A1, dated 31.03.1997. The petitioner was promoted as a Superintendent, on 20.04.1983, and the fourth respondent was appointed as Assistant Development Officer, on 25.03.1985. Both the said posts are feeder category posts to the post of Assistant Director by promotion. The Tamil Nadu Co-operative Union has been maintaining two separate seniority lists. One for the headquarters staff and the other for field work staff. The fourth respondent having been appointed as Assistant Development Officer, came under the category of post, related to field work. The petitioner. being senior to the fourth respondent, ought to have been considered to the post of Assistant Director earlier. Therefore, the petitioner had filed a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act,1983. The second respondent, though not empowered to hear the revision petition had rejected the revision petition on the question of locus-standi stating that the petitioner was not an aggrieved person.

5.At this stage of the hearing of the case, it has been submitted by the learned counsel appearing for the petitioner that it would suffice, if the order passed by the second respondent, Revisional Authority, on 22.04.2002, made in the revision petition filed by the petitioner on 28.12.2001, under Section 153 of the Tamil Nadu Co-operative Societies Act,1983, is set aside and the second respondent is directed to pass orders on merits in the said revision petition within a time frame. The

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learned counsels appearing on behalf of the respondents have no objections with regard to such directions being passed by this Court.

6.Therefore, the order of the second respondent Na.Ka.No.195509/2001 T.K.Ku.Pa.1, dated 22.04.2002, is set aside and the second respondent is directed to decide the Revision Petition, on merits and in accordance with law, by giving an opportunity of hearing to the petitioner, and pass appropriate orders thereon, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To
1.The Special Officer,
Tamil Nadu Co-operative Union,
N.V.N.Maligai,
170, Periyar EVR High Road,
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2. The Additional Registrar of
Co-operative Societies (Marketing,
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Societies, N.V.N.Maligai, Periyar EVR High Road,
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4. Director-Publicity and Public Relations,
Tamil Nadu Cooperative Union,
N.V.N.Maligai, 170, Periyar EVR High Road,
Kilpauk, Chennai - 10.
+ 1 CC To Mr.K.M.Ramesh, Advocate SR NO.4988

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